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January 13, 2015

Kathleen D. Kiser
Associate Dean for Administration
Fielding School of Public Health
Box 951772, Room 16-035 CHS
University of California, Los Angeles
Los Angeles, CA 90095-1772
kkiser@ph.ucla.edu
(310) 794-1196

Re: **UCLA Whistleblower Retaliation Complaint Against Kathleen D. Kiser**

Dear Associate Dean Kiser,

After more than four years of diligent and costly effort I have assembled sufficient evidence to herewith file a UCLA Whistleblower Retaliation Complaint against you. My Complaint regards two issues: 1) your illegal effective termination of me from School of Public Health (SPH) employment as of June 30, 2010 and 2) your flawed administration of and oversight over the millions of dollars of California and Federal research funds given to the SPH for the Southern California Particle Center (SCPC) and the Center for Occupational and Environmental Health (COEH). Also, this complaint will test the validity of your attached statement: "I want to assure you that the School of Public Health administration is committed to upholding Whistleblower rights and protections under the UC Whistleblower and Retaliation and Complaint Policies. . . . Please also feel free to contact me directly as the School of Public Health's point of contact for protected disclosures" (<http://ph.ucla.edu/administration>).

1) Your illegal effective termination of my SPH employment as of July 1, 2010

The attached August 30, 2010 letter from UCLA Provost Scott L. Waugh to SPH Dean Linda Rosenstock states in part "I have concluded that delaying the effective date of Dr. Enstrom's layoff is warranted. Having discussed these circumstances with you, I am directing that Dr. Enstrom's appointment be **extended** for six months . . . Please ensure that Dr. Enstrom is informed of this conditional **extension** of his appointment before the end of the day." Instead of **extending** my full-time (100% V) appointment as instructed by Provost Waugh, you deliberately and illegally converted it to a Without Salary (WOS) (0% time) appointment. Your attached

August 30, 2010 5:01 PM email message to me effectively ended my SPH employment on June 30, 2010. This deliberate and illegal action was confirmed in your attached August 31, 2010 4:43 PM email message to Susan Fisher, which states “Note that I didn’t include any information about his check payment, vacation pay and WOS appointment.” I was **NEVER** informed by you, Susan Fisher, or anyone else in SPH of this **change**. I believe that this **effective termination** of my appointment was done in retaliation for my August 27, 2010 UCLA Whistleblower Retaliation Complaint against Dean Rosenstock, Associate Dean for Academic Programs Hilary A. Godwin, and Department of Environmental Health Sciences Chairman Richard J. Jackson (<http://scientificintegrityinstitute.org/Whistle082710.pdf>).

This appointment **change**, rather than appointment **extension**, prevented me from having any UCLA salary or UCLA health benefits from July 1, 2010 through June 30, 2011. Furthermore, it created an effective termination of and break in my employment status before my UC retirement became effective on July 1, 2011. I was first able to confirm this illegal change when I filed for retirement on July 6, 2011. The attached screen shots of my UCLA Employment Summary History clearly show a WOS (0% time) appointment from July 1, 2010 to June 30, 2011. I then learned that this break in service that you created thereby forced me to lose 2,720.3 hours (\$121,462.65) of sick leave that I had legally accrued since July 1, 1976.

You knew on August 30, 2010, after you made this illegal appointment change, that I would have to conduct my APM 140 and Whistleblower Retaliation Complaints with no salary, no health benefits, and no sick leave from UCLA. You were aware that this sudden and unjustified termination of me from a position that I had held with distinction for 34 years (see my attached 1990 *Who’s Who in America* certificate) would cause incredible emotional stress and financial disruption. An honest and fair minded administrator would have properly extended my appointment as instructed and then allowed me to use my sick leave during my appeal process. Unlike you and the SPH faculty administrators who terminated me, I had no attorney, not prior experience with the UCLA academic appeals process, and no access to legal help from UCLA. Think of this: what would I have done if I had gotten **seriously ill** during the period from July 1, 2010 to June 30, 2011, when I had no salary, no health insurance, and no sick leave from UCLA?

2) Your flawed administration of the California and Federal funding for SCPC and COEH

I have assembled extensive evidence that there has been flawed administration of the millions of dollars of California and Federal funding that the SPH has received for the Southern California Particle Center (<http://www.scpcs.ucla.edu/>) and the Center for Occupational and Environmental Health (<http://ph.ucla.edu/research/centers/center-occupational-and-environmental-health-0>). During your entire tenure in the SPH, much of this funding has been used for liberal activism and environmental extremism and not for objective environmental health research. In particular, this funding has been used to exaggerate the public health dangers of fine particulate air pollution (PM2.5) and diesel particulate matter (DPM). These exaggerations have been used to help implement draconian regulations on PM2.5 and DPM that have cost California businessmen billions of dollars and have driven many of them out of business and/or out of California.

Evidence for my claim includes my August 27, 2010 Whistleblower Retaliation Complaint, my October 4, 2013 Complaint about Termination to the Council on Education for Public Health

(<http://www.scientificintegrityinstitute.org/CEPH100913.pdf>), and the August 15, 2014 letter from the California Construction Trucking Association to UCLA Chancellor Gene D. Block (<http://calcontrk.org/CCTA081514.pdf>). You have accepted and administered the SCPC and COEH funds without regard to whether they have been used for objective environmental health research or for liberal activism and environmental extremism. I have evidence that there have been violations of the state and Federal policies regarding the expenditure of these funds. In the proper forum, I will make the case that you have had the ultimate responsibility within the SPH to make sure that these funds are properly administered, in compliance with all applicable laws.

Please respond to me by January 19, 2015 and express a willingness to work with me on this complaint. If you work with me honestly and cooperatively, it may be possible to resolve this complaint in a way that is fair to you, me, the SPH, and UCLA. If I receive no response from you by January 19, 2015, I will formally file this complaint with UCLA Compliance Officer William H. Cormier. Then, I may also file this complaint with other UC officials in accordance with the UC Whistleblower policy (<http://www.ucop.edu/uc-whistleblower/>).

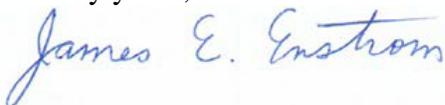
Please give my complaint prompt and proper consideration and do not make any attempt to dismiss it on a technicality. Otherwise, because this complaint involves Federal funding to the SPH, I will immediately present the complaint to the following members of the U.S. House of Representatives: Speaker John Boehner, Majority Leader Kevin McCarthy, Ways and Means Committee Chairman Paul Ryan, Science Committee Chairman Lamar Smith, Science Committee Vice Chairman Dana Rohrabacher, and Science Committee Member Steve Knight, all of whom I know and all of whom support the use of Federal funding for objective and honest environmental research, rather than for the environmental extremism that exists in California.

For your information, I personally met with Speaker Boehner on October 9, 2014 (see the attached photograph) and with Ways and Means Committee Chairman Ryan on October 16, 2014. Science Committee leaders Smith and Rohrabacher discussed me and EPA data on August 1, 2013 (<http://www.scientificintegrityinstitute.org/HSCSubpEdwards080113.mp3>). Majority Leader McCarthy met with me on August 12, 2012 regarding an August 15, 2010 column in his hometown newspaper (<http://www.bakersfieldcalifornian.com/columnists/lois-henry/x1415295919/Independent-thought-not-wanted-at-UCLA>). Antelope Valley Congressman Knight signed two California Legislature letters of support for me, the first dated August 16, 2010 (<http://www.scientificintegrityinstitute.org/LogueLetter081610.pdf>) and the second dated March 29, 2011 (<http://www.scientificintegrityinstitute.org/Logue032911.pdf>).

If necessary to fully support the validity of my complaint, I will submit additional evidence from THE FELDENSTEIN CASE (<http://scientificintegrityinstitute.org/UCLAlibs101714.pdf>).

Thank you very much for your prompt consideration and response.

Sincerely yours,



James E. Enstrom, Ph.D., M.P.H.

Administration

UCLA and the UC system is a complex working environment and finding answers to basic questions can often be a challenging experience. Our goal is to provide comprehensive support services for our staff and faculty. We hope you will find useful information and links to relevant UCLA policies and procedures in all Administrative areas.

I encourage you to visit this site and let us know whether this information is helpful and to offer any suggestions for improvement. Our excellent faculty and staff are the reason we are consistently rated one of the top schools in Public Health in the Nation.

We hope this site will provide you with the tools you need to work successfully here in Public Health.



Kathleen Kiser
Associate Dean for Administration

[human resources \(http://ph.ucla.edu/#\)](http://ph.ucla.edu/#)

[general administration \(http://ph.ucla.edu/#\)](http://ph.ucla.edu/#)

[research administration \(http://ph.ucla.edu/#\)](http://ph.ucla.edu/#)

[uc whistleblower policy \(http://ph.ucla.edu/#\)](http://ph.ucla.edu/#)

Dear all School of Public Health Faculty, Staff and Students,

In conjunction with the email sent on July 1, 2005, from the UCLA Administrative Policies & Compliance Office to all Faculty & Staff on the subject of Reporting Improper Governmental Activities, I also wanted to remind everyone that in accordance with UCLA Financial Policy of 1996, University employees are required and all others are encouraged to report suspected violations of University policy, state or federal laws and/or other acts of potential wrongdoing. For a more detailed definition of what can and should be reported and the reporting procedure, please refer to this email or you may also visit [ucwhistleblower.ucop.edu \(http://ph.ucla.eduhttp://ucwhistleblower.ucop.edu\)](http://ucwhistleblower.ucop.edu)

While I recognize that there may be a reluctance to report suspected improper activities, I want to assure you that the School of Public Health administration is committed to upholding Whistleblower rights and protections under the UC Whistleblower and Retaliation Complaint Policies. We encourage those who wish to report an allegation, to do so under the guidelines offered below and at the aforementioned site. Please also feel free to contact me directly as the School of Public Health's point of contact for protected disclosures.

Kathleen D. Kiser
Associate Dean for Administration
UCLA School of Public Health
16-035 CHS
Tel. 310.794.1196
Fax 310.825.8440

August 30, 2010

Dean Linda Rosenstock
School of Public Health
16-035 CHS
MC 177220

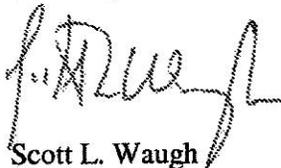
Dear Dean Rosenstock:

Last Friday, researcher Dr. James Enstrom filed a whistleblower retaliation complaint with Bill Cormier, the campus Locally Designated Official (LDO) for Whistleblower Policy matters. Dr. Enstrom also filed an addendum to his APM-140 grievance to include the claim of retaliation. Mr. Cormier has advised me that University policy requires us to consider actions that may be necessary to prevent potential whistleblower retaliation. Such actions could include preventing or delaying termination of employment that is alleged to be the result of such retaliation. I have no opinion, and make no assumptions, as to the validity of Dr. Enstrom's claims. However, given the LDO's determination that an appropriate complaint has been received, I have concluded that delaying the effective date of Dr. Enstrom's layoff is warranted.

Having discussed these circumstances with you, I am directing that Dr. Enstrom's appointment be extended for six months or until the APM-140 grievance proceeding, including the claim of retaliation, is concluded and a final decision is made, whichever is earlier, unless the decision on the grievance should provide a different appointment extension remedy.

Please ensure that Dr. Enstrom is informed of this conditional extension of his appointment before the end of the day.

Sincerely,



Scott L. Waugh
Executive Vice Chancellor and Provost

cc: Chancellor Gene Bock
Vice Chancellor Kevin Reed
Vice Chancellor Tom Rice

From: Kiser, Kathleen <kkiser@ph.ucla.edu>
Sent: Tuesday, August 31, 2010 4:43 PM
To: Fisher, Susan <sefisher@ph.ucla.edu>
Subject: FW: Appointment extension

Just a head's up.

Note that I didn't include any information about his check payment, vacation pay and WOS appointment. Thinking you can contact him next week when you return? Or do you think it would be more appropriate to have Barbara contact him (not sure when she returns)? I know he was contesting Joanie's calculation of his funding but I think that stems from earlier issues with fund management.

Anyway, we can talk when you get back.

Thanks

-----Original Message-----

From: Kiser, Kathleen
Sent: Monday, August 30, 2010 5:01 PM
To: Enstrom, James (BOL)
Subject: Appointment extension

Dear Dr. Enstrom,

We have been informed that last Friday you filed a whistleblower retaliation complaint with the campus Locally Designated Official Bill Cormier, as well as an addendum to your APM-140 grievance to include the claim of retaliation.

Based on University whistleblower policy, Dean Linda Rosenstock has asked me to notify you that we will extend your appointment at the same title and step beginning August 31, 2010. This appointment will end March 31, 2011 or when the APM - 140 grievance process, including the whistleblower complaint, has been concluded and a final decision is made -- whichever is earlier.

Sincerely,
Kathleen

Kathleen D. Kiser
Associate Dean for Administration
UCLA School of Public Health
16-035 CHS, Box 951772
Los Angeles, CA 90095-1772
310-794-1196
Fax: 310-825-8440

1 - OASIS

File Edit Transfer Fonts Options Macro View Window Help

PA1 PA2 PA3 ENT CLR

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PPHSUM0-I1426                History Reporting                07/06/11 15:25:56
Last Update: 07/05/11        Appointment Summary History    Userid: PPCBC
ID: 300308282 Name: ENSTROM,JAMES E                Page      1 of      2
Hm Dept: 193000 ENVIRONMENTAL HEALTH SCIENC Status: Active    ITR: 001
Most Recent Hire Date: 07/01/76                    Separation Date:
Appt                        Step Annual/           Begin      End
No Title Title Name       Grade Hourly Rt %      Date      Date
Last Action                Pers Prog/Appt Type/FLSA    Appt Dept    SubL
1* 3200 RESEARCH _____ - FISCAL YEAR      1          0.00      07/01/10 07/31/11
                        Academic /Academic/Exempt    ENVIRON HEA
2* 3200 RESEARCH _____ - FISCAL YEAR      1      87700.00 100 07/01/00 08/31/10
                        Academic /Academic/Exempt    ENVIRON HEA
3  3210 ASSOC RES ---- - FISCAL YEAR      3      77000.00 100 07/01/95 06/30/01
                        Academic /Academic/Exempt    PUBLIC HEAL

Next Func:  Next ID:      Name:      SSN:
As Of Date:  Past To Present:  View Incorrect Records:

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F:  1-Help      2-Browse      3-PrevMenu
F:  8-Forward   9-MainMenu    12-Exit
4-@          1 OASIS      127.0.0.1          TCP2816          19/13
  
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1 - OASIS

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PPIHRS0-I0930          EDB Inquiry          07/06/11 15:27:22
07/05/11 22:14:37      Hours on Pay Status      Userid: PPCBC
ID: 300308282 Name: ENSTROM,JAMES E          LAD: 05/30/11
Hm Dept: 193000 ENVIRON HEA      Emplmt Status: A Pri Pay: MO

Hours on Pay Status:  Curr Mnth:          .00
  Jan:      .00      * Jul:      .00
  Feb:      .00      Aug:      .00      YTD Tot Hrs :      .00
  Mar:      .00      Sep:      .00      YTD Reg Hrs :      .00
  Apr:      .00      Oct:      .00      YTD OT Hrs :      .00
  May:      .00      Nov:      .00      YTD NonWk Hrs:      .00
  Jun:      .00      Dec:      .00      Avg Hr/Wk :      .00
                                   Prior Svc Months:      0
                                   Empl Svc Months:      409
Lv Accr Hrs:      Balance      Maximum      Empl Svc Cred From Date: 07/76
Vacation          .000000      384.00
Sick Leave        2720.300000
Compensatory      .00
Paid Time Off     .000000

Next Func:      ID:      Name:      SSN:

===>
F:  1-Help      2-Browse      3-PrevMenu
F:  9-MainMenu      12-Exit

4-©      1 OASIS      127.0.0.1      TCP2816      20/13

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The Marquis Who's Who
Publications Board

Certifies that

James Eugene Gustrom

is a subject of biographical record in

Who's Who in America
Forty-Sixth Edition
1990/1991

*inclusion in which is limited to those individuals who have
demonstrated outstanding achievement in their own fields of
endeavor and who have, thereby, contributed significantly to
the betterment of contemporary society.*



Stanley S. Sarnat
President

Date: Fri, 16 Jan 2015 17:45:39 -0800
To: "Cormier, Bill" <bcormier@capnet.ucla.edu>
From: "James E. Enstrom" <jenstrom@ucla.edu>
Subject: Fwd: Communication received January 13, 2015
Cc: "Norlin, Chris" <CNorlin@capnet.ucla.edu>

January 16, 2015

Dear Bill,

Below is the email message that I received today at 3:27 PM from Kathleen D. Kiser regarding my January 13, 2015 UCLA Whistleblower Retaliation Complaint against her. Since you are the Locally Designated Official for UCLA Whistleblower Policy matters, I delivered today at 4:30 PM a copy of this same complaint to you via Chris Norlin.

Thank you very much for your assistance in this important matter.

Best regards,

James E. Enstrom, Ph.D., M.P.H.
jenstrom@ucla.edu
(310) 472-4274

From: "Kiser, Kathleen" <KKiser@mednet.ucla.edu>
To: "Enstrom, James (BOL)" <jenstrom@ucla.edu>
Subject: Communication received January 13, 2015
Date: Fri, 16 Jan 2015 23:27:01 +0000

Dear Dr. Enstrom,
I have referred your communication to University legal counsel for handling.
Sincerely,
Kathleen Kiser

Kathleen D. Kiser
Associate Dean for Administration
UCLA Jonathan and Karin Fielding
School of Public Health
16-035 CHS, Box 951772
Los Angeles, CA 90095-1772
